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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,072	04/03/2007	Siegfried Ansorge	PMP-0003	6887

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EXAMINER	
ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.	Applicant(s)
10/584,072	
Examiner	**Art Unit**

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

The amendment document filed on 6-22-7 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims) of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: 9- 11 MISSING
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:
Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Paul Lee Neal
Legal Instruments Examiner (LIE), if applicable

571-272-1034
Telephone No.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Original) Use of silibinin, its salts and/or its pro-drugs with α-lipoic acid, its salts and/or its pro-drugs for the production of a medicine for the simultaneous, separate or timed cytoprotective treatment of chronically obstructive lung diseases.

2. (Original) Use according to claim 1, characterised in that the dose of the α-lipoic acid, its salts and/or its pro-drugs for administration to a human patient is between 30 and 1800 mg/d, preferably between 200 and 600 mg/d.

3. (Currently Amended) Use according to ~~one of claims 1 or 2~~ Claim 1, characterised in that the dose of silibinin, its salts and/or its pro-drugs for administration to a human patient is between 20 and 1600 mg/d, preferably between 300 and 800 mg/d.

4. (Currently Amended) Use according to ~~at least one of the preceding claims~~ Claim 1, characterised in that the medicine can be administered by inhalation, orally or parenterally.

5. (Currently Amended) Use according to ~~at least one of the preceding claims~~ Claim 1, characterised in that the medicine contains further additives selected from the group of aqueous solvents, stabilisers, suspending, dispersing and wetting agents.

6. (Currently Amended) Use according to ~~at least one of the preceding claims~~ Claim 1, characterised in that the medicine is presented in the form of an aerosol, a solution, granules, a powder, an emulsion, a tablet and/or a film tablet.

7. (Currently Amended) Use according to ~~at least one of the preceding claims~~ Claim 1, characterised in that silibinin, its salts and/or its pro-drugs and the α-lipoic acid, its salts and/or its pro-drugs are presented in a single formulation.

8. (Currently Amended) Use according to ~~at least one of the preceding claims~~ Claim 1, characterised in that silibinin, its salts and/or its pro-drugs and the α-lipoic acid, its salts and/or its pro-drugs are presented in separate formulations.

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